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Attorneys for Plaintiffs Karen Lucia, Jeffrey Lucia, and Gail Caplan

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

KAREN LUCIA, JEFFREY LUCIA, and
GAIL CAPLAN,

Plaintiffs,

v.

WELLS FARGO BANK, N.A. d/b/a WELLS
FARGO HOME MORTGAGE AND DOES 1
through 10,

Defendants.

No. 3:10-CV-04749-VC

**JOINT STIPULATION AND
[PROPOSED] ORDER**
AS MODIFIED

Hon. Vince Chhabria

PLEASE TAKE NOTICE that plaintiffs Karen Lucia, Jeffrey Lucia, and Gail Caplan (“Plaintiffs”) and defendant Wells Fargo Bank, N.A. (“Wells Fargo”) (collectively, the “Parties”), by and through their respective counsel, stipulate and agree as follows:

WHEREAS, this case is related to the cases captioned Corvello v. Wells Fargo Bank, N.A., No. 3:10-CV-05072-VC (N.D. Cal.) (“Corvello”) and Jackmon v. America’s Servicing Company, No. 3:11-CV-3884-VC (N.D. Cal.) (“Jackmon”);

WHEREAS, because the cases are related and this case is the first-filed, plaintiffs filed the Joint Motion for Class Certification (the “Class Certification Motion”) in this case as well as in Corvello and Jackmon on July 2, 2015. See Lucia ECF No. 143.

WHEREAS, Plaintiffs did not intend to move for class certification of this action (ECF No. 143), and thus no motion for class certification should be pending as to Plaintiffs;

WHEREAS, during the October 15, 2015 hearing on the Class Certification Motion in Corvello and Jackmon and in a subsequent order entered October 16, 2015, the Court ordered the Parties to file a stipulation regarding whether this case should be stayed pending resolution of the Class Certification Motion in Corvello and Jackmon (see ECF No. 134);

WHEREAS, plaintiff Gail Caplan is a member of the putative class as defined in the Class Certification Motion, and the Parties therefore agree that Caplan’s claims should be stayed pending resolution of the Class Certification Motion;

WHEREAS, plaintiff Gail Caplan reserves her right to seek to be added as a class representative in the future, and Wells Fargo reserves its right to object to such a request;

WHEREAS, plaintiffs Jeffrey and Karen Lucia (the “Lucias”) are not members of the putative class as defined in Class Certification Motion; and

WHEREAS, because the Lucias are not members of the putative class, the Parties do not believe that a stay as to the Lucias’ claims is necessary.

IT IS HEREBY STIPULATED AND AGREED by the Parties that:

- (1) This case is not currently proceeding as a putative class action;
- (2) Plaintiff Gail Caplan is not seeking to be appointed as a class representative at this time;
- (3) Plaintiffs Jeffrey and Karen Lucia are not seeking to be appointed as class representatives

1 in this matter;

2 (4) The individual claims of plaintiff Gail Caplan, who is a member of the putative class as
3 defined in the Class Certification Motion, are stayed pending resolution of the Class
4 Certification Motion (and resolution of any subsequent appeal pursuant to Fed. R. Civ. P.
5 23(f)); and

6 (5) The claims of plaintiffs Jeffrey and Karen Lucia, who are not members of the putative
7 class as defined in the Class Certification Motion, are not stayed and may continue on an
8 individual basis.

9 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

10 6) The parties in the Lucia case are ordered to file a separate
11 case management statement from the other cases prior to the January
12 19, 2016 CMC.
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Respectfully submitted,

KAREN LUCIA, JEFFREY LUCIA, and
GAIL CAPLAN

By their attorneys,

/s/ Charles Evans by permission

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Dated: December 2, 2015

WELLS FARGO BANK, N.A.

By its attorneys,

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2 I, IRENE C. FREIDEL, am the ECF User whose ID and password are being used to file this
3 document and, in compliance with Local Rule 5-1(i)(3), hereby attest that all signatories concur with
4 this filing.

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| <i>/s/ Irene C. Freidel</i> |
| Irene C. Freidel |

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 4, 2015



Hon. Vince Chhabria
United States District Judge